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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/698,946	11/03/2003	Robert Hammond-Smith	MERCK-2779	5031	
23599	7590 01/11/2006		EXAM	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.			WU, SHEAN CHIU		
	2200 CLARENDON BLVD. SUITE 1400		ART UNIT	PAPER NUMBER	
ARLINGTO	N, VA 22201	1756			
			DATE MAILED: 01/11/200	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

			JW.
	Application No.	Applicant(s)	•
	10/698,946	HAMMOND-SMITH ET A	AL.
Office Action Summary	Examiner	Art Unit	
	Shean C. Wu	1756	
The MAILING DATE of this communication a Period for Reply	appears on the cover sheet	with the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory peri - Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the ma earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUN. 1.136(a). In no event, however, may lod will apply and will expire SIX (6) Motute, cause the application to become	IICATION. a reply be timely filed ONTHS from the mailing date of this communic ABANDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 10			
,-	his action is non-final.		
3) Since this application is in condition for allow			IS IS
closed in accordance with the practice unde	er Ex parte Quayle, 1955 C	.D. 11, 455 O.G. 215.	
Disposition of Claims			
4) Claim(s) 1-26 is/are pending in the application	on.		
4a) Of the above claim(s) is/are withd	Irawn from consideration.		
5)⊠ Claim(s) <u>1-19 and 21-26</u> is/are allowed.			
6)⊠ Claim(s) <u>20</u> is/are rejected.			
7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and	d/or oloction requirement		
o) Claim(s) are subject to restriction and	a/or election requirement.		
Application Papers			
9)☐ The specification is objected to by the Exam	iner.		
10)☐ The drawing(s) filed on is/are: a)☐ a	accepted or b)☐ objected t	o by the Examiner.	
Applicant may not request that any objection to t	·		
Replacement drawing sheet(s) including the corr			
11) ☐ The oath or declaration is objected to by the	Examiner. Note the attach	ed Office Action or form P1O-152	2.
Priority under 35 U.S.C. § 119			
12)⊠ Acknowledgment is made of a claim for foreignal a)⊠ All b)□ Some * c)□ None of:	ign priority under 35 U.S.C	, § 119(a)-(d) or (f).	
1. Certified copies of the priority docume			
2. Certified copies of the priority docume			
3. Copies of the certified copies of the p		in received in this National Stage)
application from the International Bure		at received	
* See the attached detailed Office action for a l	ist of the certified copies in	n received.	
Attachment(s)	_		
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 		v Summary (PTO-413) o(s)/Mail Date	
Notice of Draitsperson's Fatelit Drawing Review (FTO-946) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/Paper No(s)/Mail Date		f Informal Patent Application (PTO-152)	

U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05) Application/Control Number: 10/698,946

Art Unit: 1756

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Parri et al. (US 5,518,652, 5,720,900 or 6,013197 or GB 2,289,445).

The references disclose a polymerizable compound represented by seventh formula on col. 25 in US references or sixth formula on page 30 in GB reference.

Allowable Subject Matter

3. Claims 1-19 and 22-26 are allowed.

Response to Arguments

4. Applicant's arguments filed 10/17/05, with respect to the rejections of claims in the previous Office action have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Parri et al. (see section 2 above).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shean C. Wu whose telephone number is 571-272-1393. The examiner can normally be reached on 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shean C Wu Primary Examiner Art Unit 1756

scw